

INTERVIEW SUMMARY

An interview was held between Examiner David Lewis and Quin Hoellwarth representing the Applicant on February 4, 2009. The prior art was discussed in relation to the office action filed on 12/31/08. No agreement was reached.

REMARKS

The Examiner has rejected a number of claims under 35 USC 102(e) as being anticipated by US Patent 7,289,824 issued to Jerbi et al. that describes in the Abstract a mobile communications terminal that includes a biometric sensor for scanning and indentifying a **fingerprint** (emphasis added). The registration of a particular fingerprint pattern is essential to the operation of Jerbi. For example, at column 2, starting at line 13, “In this way (i.e., by registering a fingerprint in order to derive control instructions for the communications terminal) it is possible for the communications terminal to be controlled...”. Furthermore, at column 2 starting at line 29, “for the purpose of verifying authorization during the commissioning of the communication terminal M, a fingerprint of the user may be placed and registered in different positions...”. Throughout the specification, Jerbi repeatedly refers to registering particular “fingerprints and/or its orientation” in order to provide a specific identification indicia for a particular individual. In this way, Jerbi specifically relies upon the pattern on an individual’s fingertip (i.e., the fingerprint pattern) and possibly the orientation of the fingertip pattern in relation to a touch screen. The essential feature taught by Jerbi is the ability to register specific fingertip patterns in order to distinguish between individuals, some of whom may not be authorized to use the communication terminal. Registration of finger tip patterns is critical to the proper operation of Jerbi. Therefore, Jerbi relies totally upon registration and recognition of specific fingertip patterns and/or its orientation and at no point does Jerbi teach or suggest using a signet shape to carry out these functions. Since identification of an individual is essential to the proper operation of Jerbi, using a signet shape alone cannot provide reliable identification indicia. If, for example, one presumed a finger alone represents a signet and the outline of the finger being the signet shape, then the system taught by Jerbi would not be able to reliably distinguish one finger from another let alone one finger from one individual to another.

Applicants believe that claim 1 is patentably distinct from Jerbi since claim 1 recites in part, “the touch signal representing a particular signet pattern, wherein the particular signet

pattern is the shape of the signet itself or a **shape** formed on the signet”. In this way, it is the shape formed on a signet that provides the requisite datum for the touch signal. In addition, each shape can have associated with it a particular action, “performing an action associated with the particular signet pattern” whereas with Jerbi it is the orientation of the finger tip pattern that signifies an action to be taken.

Based in part upon the above remarks, the Applicant requests that the Examiner withdraw the 35 U.S.C. 102 rejection thereof. Independent claims 8, 14, and 18 have been amended to recite essentially the same limitations as claim 1 and are also believed to be allowable. Applicants believe that dependent claims 2-7, 9-13, and 15-17 are also patentably distinct from the cited reference for at least the same reasons as those recited above for the independent claims, upon which they ultimately depend.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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